

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	CASE NO. 3:19-CR-48
v.	:	PROTECTIVE ORDER GOVERNING
CARLOS ALBA MORENO	:	DISCOVERY RELATED TO THE
	:	CONFIDENTIAL SOURCE
Defendant.	:	

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Upon a defendant's request, the United States is required to provide to defense counsel, or to make available to defense counsel, all items in its possession, custody or control that are material to preparing a defense, all items that the United States intends to use in its case-in-chief at trial, and all items obtained from or belonging to the defendant. Fed. R. Crim. P. 16(1)(E).

These items contain sensitive and private information concerning information that could potentially identify a confidential informant ("the Discovery Information"). These items include: audio recordings of telephone calls between the confidential informant and Carlos Alba Moreno; audio recording of a meeting between the confidential informant and Carlos Alba Moreno; video recording; photographs; toll records; and other historical information concerning the confidential informant;

WHEREAS, the government will provide this Discovery Information to defense counsel;

AND WHEREAS, the parties agree that the government has a compelling interest in preventing the Discovery Information from being disclosed to anyone not a party to these judicial proceedings because such material may include information relevant to ongoing investigations and

prosecutions, and such material may implicate the privacy interests of the defendant and third parties;

AND WHEREAS, the parties further agree that the Court has the authority under Fed. R. Crim. P. 16(d)(1) and 26.2 to grant appropriate relief to the parties where required in the interests of justice;

IT IS HEREBY STIPULATED that:

1. Discovery Information shall not be disseminated by the defendant, or his counsel of record, to any individuals, organizations, or other entities, other than: (i) members of the defense team (co-counsel, paralegals, investigators, translators, litigation support personnel, the defendant (subject to paragraph 4, below), appellate and post-conviction counsel, and other defense staff); (ii) experts retained to assist in the preparation of the defense; and (iii) with respect to any individuals, organizations, or other entities not covered in subsections (i) and (ii) of this paragraph, with the express concurrence of the government.<sup>1</sup>
2. No Discovery Information shall be disseminated to any member of the defense team or appellate or post-conviction counsel (including defense-retained expert witnesses), unless that person first signs the attached Acknowledgment. *See* Attachment A (an agreement to comply with the terms of this Protective Order). The signed Acknowledgment shall be retained by the counsel of record and shall be made available to the Court upon request, and to the government upon reasonable request. The substitution, departure, or removal of counsel for the defendant, or anyone associated with the defense team, for any reason, shall

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<sup>1</sup> “Disseminated” means to have provided, showed, or described to another individual any Discovery Information, including parts thereof, quotations, excerpts, and summaries derived therefrom.

not release that person from the provisions of this Protective Order, or the Acknowledgement executed in connection with this Protective Order.

3. Defense counsel shall advise any person to whom the Discovery Information is disclosed in accordance with this Protective Order that further disclosure, or dissemination, is prohibited without the defense counsel's express consent, and any disclosure, or dissemination, must comply with the terms of this Protective Order. Each of the individuals to whom disclosure is made pursuant to this provision shall be provided a copy of this Protective Order.
4. Discovery Information shall not be given to the defendant to maintain, and the defendant shall not be permitted to make notes of the content of the Discovery Information.
5. Defense counsel shall store all Discovery Information, and any copies thereof, in a secure place at all times.
6. Discovery Information that is the property of the government at the time of dissemination remains the property of the government notwithstanding the dissemination. At the conclusion of this case, all Discovery Information that is the property of the government shall be returned to the government or, with the consent of the government, destroyed. The conclusion of the case shall be when the judgment of conviction (or other case-concluding judgment) becomes final (such finality to be determined in consistent fashion as with respect to 28 U.S.C. § 2255(f)(1)).
7. Nothing in this Protective Order shall preclude the government, or the defendant, from seeking additional protective orders pursuant to Rule 16(d), or other rules or statutes, as to particular items of discovery. This Protective Order is entered without prejudice to either party's right to seek a revision of the Order by appropriate motion to the Court.

**SO STIPULATED.**

BENJAMIN C. GLASSMAN  
United States Attorney


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Attorney for Defendant

**SO ORDERED.**

DATED: 5-17-19

  
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HON. WALTER H. RICE  
UNITED STATES DISTRICT JUDGE

Appendix A

**ACKNOWLEDGMENT**

The undersigned hereby acknowledges that he/she has read the Protective Order entered in the United States District Court for the Southern District of Ohio in the case *United States v. Carlos Alba Moreno*, 3:19-cr-48. The undersigned individual understands the terms of the Protective Order and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned individual agrees not to use, or disclose, any information or material made available to him or her other than in strict compliance with the Protective Order. The undersigned individual acknowledges that his or her duties under the Protective Order shall survive the termination of this case and the terms permanently remain binding on the individual. The individual's failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

DATED: \_\_\_\_\_

BY:

\_\_\_\_\_  
(type or print name)

SIGNED:

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